

ABOLITION OF IMMIGRATION AND NATURALIZATION  
SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

**CHAPTER 14—RESTRICTING WELFARE AND  
PUBLIC BENEFITS FOR ALIENS**

Sec.

1601. Statements of national policy concerning welfare and immigration.

**SUBCHAPTER I—ELIGIBILITY FOR FEDERAL  
BENEFITS**

- 1611. Aliens who are not qualified aliens ineligible for Federal public benefits.
- 1612. Limited eligibility of qualified aliens for certain Federal programs.
- 1613. Five-year limited eligibility of qualified aliens for Federal means-tested public benefit.
- 1614. Notification and information reporting.
- 1615. Requirements relating to provision of benefits based on citizenship, alienage, or immigration status under the Richard B. Russell National School Lunch Act, the Child Nutrition Act of 1966, and certain other acts.

**SUBCHAPTER II—ELIGIBILITY FOR STATE AND  
LOCAL PUBLIC BENEFITS PROGRAMS**

- 1621. Aliens who are not qualified aliens or non-immigrants ineligible for State and local public benefits.
- 1622. State authority to limit eligibility of qualified aliens for State public benefits.
- 1623. Limitation on eligibility for preferential treatment of aliens not lawfully present on basis of residence for higher education benefits.
- 1624. Authority of States and political subdivisions of States to limit assistance to aliens and to distinguish among classes of aliens in providing general cash public assistance.
- 1625. Authorization for verification of eligibility for State and local public benefits.

**SUBCHAPTER III—ATTRIBUTION OF INCOME AND  
AFFIDAVITS OF SUPPORT**

- 1631. Federal attribution of sponsor's income and resources to alien.
- 1632. Authority for States to provide for attribution of sponsors income and resources to the alien with respect to State programs.

**SUBCHAPTER IV—GENERAL PROVISIONS**

- 1641. Definitions.
- 1642. Verification of eligibility for Federal public benefits.
- 1643. Statutory construction.
- 1644. Communication between State and local government agencies and Immigration and Naturalization Service.
- 1645. Qualifying quarters.
- 1646. Derivative eligibility for benefits.

**§ 1601. Statements of national policy concerning welfare and immigration**

The Congress makes the following statements concerning national policy with respect to welfare and immigration:

(1) Self-sufficiency has been a basic principle of United States immigration law since this country's earliest immigration statutes.

(2) It continues to be the immigration policy of the United States that—

(A) aliens within the Nation's borders not depend on public resources to meet their

needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations, and

(B) the availability of public benefits not constitute an incentive for immigration to the United States.

(3) Despite the principle of self-sufficiency, aliens have been applying for and receiving public benefits from Federal, State, and local governments at increasing rates.

(4) Current eligibility rules for public assistance and unenforceable financial support agreements have proved wholly incapable of assuring that individual aliens not burden the public benefits system.

(5) It is a compelling government interest to enact new rules for eligibility and sponsorship agreements in order to assure that aliens be self-reliant in accordance with national immigration policy.

(6) It is a compelling government interest to remove the incentive for illegal immigration provided by the availability of public benefits.

(7) With respect to the State authority to make determinations concerning the eligibility of qualified aliens for public benefits in this chapter, a State that chooses to follow the Federal classification in determining the eligibility of such aliens for public assistance shall be considered to have chosen the least restrictive means available for achieving the compelling governmental interest of assuring that aliens be self-reliant in accordance with national immigration policy.

(Pub. L. 104-193, title IV, § 400, Aug. 22, 1996, 110 Stat. 2260.)

**REFERENCES IN TEXT**

This chapter, referred to in par. (7), was in the original "this title" meaning title IV of Pub. L. 104-193, Aug. 22, 1996, 110 Stat. 2260, as amended, which enacted this chapter, section 1183a of this title, and sections 611a and 1437y of Title 42, The Public Health and Welfare, amended section 1383 of this title, sections 32 and 6213 of Title 26, Internal Revenue Code, and sections 1436a and 1471 of Title 42, and enacted provisions set out as notes under section 1183a of this title and section 32 of Title 26. For complete classification of title IV to the Code, see Tables.

**SUBCHAPTER I—ELIGIBILITY FOR  
FEDERAL BENEFITS**

**§ 1611. Aliens who are not qualified aliens ineligible for Federal public benefits**

**(a) In general**

Notwithstanding any other provision of law and except as provided in subsection (b) of this section, an alien who is not a qualified alien (as defined in section 1641 of this title) is not eligible for any Federal public benefit (as defined in subsection (c) of this section).

**(b) Exceptions**

(1) Subsection (a) of this section shall not apply with respect to the following Federal public benefits:

(A) Medical assistance under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] (or any successor program to such title) for care and services that are necessary for the treat-